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Attorney for CITIMORTGAGE, INC.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

IN RE:	§	CASE NO. 19-60139-RBK-7
	§	
ACQUANLAN DEONSHAY HARRIS,	§	
Debtor	§	CHAPTER 7
	§	
CITIMORTGAGE, INC.,	§	
Movant	§	HEARING DATE: _____
	§	
v.	§	TIME: _____
	§	
ACQUANLAN DEONSHAY HARRIS;	§	
JAMES STUDENSKY, Trustee	§	
Respondents	§	JUDGE RONALD B. KING

**MOTION OF CITIMORTGAGE, INC.
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) REGARDING
PROPERTY LOCATED AT 5007 COLORADO DRIVE, KILLEEN, TX 76542
PURSUANT TO 11 U.S.C. § 362(a) AND WAIVER OF THIRTY DAY
REQUIREMENT PURSUANT TO
§ 362(e)**

NOTICE

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within fourteen (14) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

WAIVER OF THIRTY DAY REQUIREMENT

Movant desires to waive the requirement of a Hearing within thirty (30) days under §362(e) and requests a Hearing at the next available date.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, CITIMORTGAGE, INC., by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about March 01, 2019, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 7 petition, Movant held a Note executed on January 19, 2005, by ACQUANLAN H HARRIS and STEVEN LAMONT HARRIS in the original amount of ONE HUNDRED FIFTY THOUSAND THREE HUNDRED TWELVE DOLLARS AND ZERO CENTS (\$150,312.00) with interest thereon at the rate of 4.625% per annum, as modified by loan modification dated December 06, 2013. A true and correct copy of the Note is attached hereto as Exhibit "A".
4. The indebtedness is secured by a Deed of Trust dated January 19, 2005 and executed by ACQUANLAN H HARRIS and STEVEN LAMONT HARRIS on real estate with all improvements known as:

BEING LOT NUMBER TWELVE (12) IN BLOCK NUMBER FOUR (4) OF
TIMBER RIDGE ESTATES, PHASE ONE, A SUBDIVISION IN THE CITY OF
KILLEEN, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF
RECORD IN CABINET "C", SLIDE 338-B OF THE PLAT RECORDS OF
BELL COUNTY, TEXAS.

ALSO COMMONLY KNOWN AS: 5007 COLORADO DR KILLEEN, TX
76542

COMMONLY KNOWN AS **5007 COLORADO DRIVE, KILLEEN, TX 76542.**

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Prior to the filing of the petition, Debtor was indebted to Movant according to the terms and conditions of the Note and Deed of Trust. Debtor has failed to maintain current the payments due under the note and is presently in arrears for 17 payments through and including the May 01, 2019 payment.

6. The outstanding indebtedness to Movant is \$146,135.78 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor has failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all payments brought current. Movant further prays that the Court waive the provision of

Rule 4001 (a) (3) and that CITIMORTGAGE, INC. be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

BY: /s/ PAUL KIM

PAUL KIM

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ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2019, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

/s/ PAUL KIM

05/22/2019

PAUL KIM

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ATTORNEY FOR MOVANT

DEBTOR:

ACQUANLAN DEONSHAY HARRIS
5007 COLORADO DR
KILLEEN, TX 76543

ACQUANLAN DEONSHAY HARRIS
5007 COLORADO DRIVE
KILLEEN, TX 76542

TRUSTEE:

JAMES STUDENSKY
3912 W. WACO DRIVE
WACO, TX 76710

US TRUSTEE:

903 SAN JACINTO, ROOM 230
AUSTIN, TX 78701

DEBTOR'S ATTORNEY:

ERIN B. SHANK
1902 AUSTIN AVENUE
WACO, TX 76701

MORTGAGORS:

STEVEN LAMONT HARRIS
5007 COLORADO DRIVE
KILLEEN, TX 76542

PARTIES IN INTEREST:

CITIMORTGAGE
P.O. BOX 6243
SIOUX FALLS, SD 57117

PARTIES REQUESTING NOTICE:

BELL COUNTY
TARA LEDAY OF MCCREARY, VESELKA, BRAGG & ALLEN, PC
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